

## REMARKS

The Application has been carefully reviewed in light of the Office Action dated February 23, 2005. Claims 1 to 16 are in the application, of which Claims 1, 11, 12 and 15 are independent. Claims 1, 3 to 6 and 11 to 16 are being amended.

Reconsideration and further examination are respectfully requested.

Initially, an Information Disclosure Statement is being submitted herewith.

Claims 13 and 14 are objected to under 37 C.F.R. § 1.75(c) as allegedly being in improper form. More particularly, it seems that the Office Action objects to these claims as being multiply-dependent from Claims 1 to 10. It is believed, however, that these claims are in complete compliance with 37 C.F.R. § 1.75(c) and MPEP § 608.01(n). Reference is respectfully made to the examples of acceptable multiple dependent claim wording provided in subsection A of MPEP § 608.01(n), e.g., Claim 10. Accordingly, withdrawal of the objection and consideration of these claims on the merits are respectfully requested.

Claims 1 to 3, 5 to 7, 9 and 14 are rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,088,451 (He), and Claims 4, 8, 15 and 16 are rejected under 35 U.S.C. § 103(a) over He and U.S. Patent No. 6,289,450 (Pensak).

Turning to the language of Claim 1, a method for controlling access to a networked peripheral device by a user is described. The networked peripheral device is accessible by the user based on centralized access management information. According to the method, access management information for the user is received at the networked peripheral device from a centralized location. At the networked peripheral device, a

function of the networked peripheral device and a quota corresponding to the function that are available to the user are determined based on the received access management information. The user is allowed access to the networked peripheral device based on the determined function and the determined quota corresponding to the function.

While He is seen to describe a centralized approach for controlling access to networked elements by a user, He is not seen to show controlling a user's access to a networked peripheral such that the user is allowed access to the networked peripheral device based on a determination, made at the peripheral device, of function and quota corresponding to the function based on based on the access management information received at the peripheral device from a centralized location.

The cited portions of He are seen to describe a centralized authentication service, a centralized authentication service which exclusively manages authentication information, and a centralized network element access service which controls element-level access from users to network elements. (See He, e.g., col. 12, lines 34 to 55, col. 33, lines 39 to 67 and col. 13, line 64 to col. 14, line 8)

The remaining applied art, namely Pensak, has been reviewed and is not seen to remedy the above-noted deficiencies.

Therefore, for at least the foregoing reasons, Claim 1 is believed to be in condition for allowance. Further, Applicants submit that Claims 11 and 12 are believed to be in condition for allowance for at least the same reasons.

Claim 15 is directed to server for use in controlling access to a networked peripheral device by a user, wherein the networked peripheral device is accessible by the

user based on centralized access management information. The server comprises a processor executing processing steps for receiving a request for access management information, the request including authentication information, authenticating the user using the authentication information, and transmitting access management information for the user indicating a function of the networked peripheral device and a quota corresponding to the function that are available to the user, in a case that authentication of the user is successful.

Based on the above discussion, He is not seen to show a server authenticating a user, and transmitting access management information for the user authenticated by the server, the user information indicating a function of the networked peripheral device and a quota corresponding to the function that are available to the user, in a case that authentication of the user is successful.

As discussed above, He is seen to describe a centralized authentication service which exclusively manages authentication information, and a centralized network element access service which controls element-level access from users to network elements. Thus, since He describes a centralized authentication and control over access to network elements, there would be no reason for He, and He is certainly not seen, to transmit access management information for the user indicating a function of the networked peripheral device and a quota corresponding to the function that are available to the user, let alone to transmit such access management information in a case that authentication of the user is successful.

The other claims are each dependent from the independent claims discussed

above and are therefore believed patentable for the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

Claims 1 to 16 are provisionally rejected under the judicially created doctrine of double patenting over Claims 1 to 18 of U.S. Application Serial No. 10/309,884. The rejection is hereby, however, traversed since Claims 1 to 18 of Application No. 10/309,884 have not yet actually been patented.

Moreover, the double patenting rejection, which is understood to be based on In re Schneller, 158 USPQ 210 (CCPA 1968), is not seen to apply to the present application. More particularly, the Board of Patent Appeals and Interferences has made clear that so-called Schneller-type rejections are disfavored, and should be limited to cases in which the facts are close to those in the original Schneller case: i.e., where, even though claims of the application and claims of a patent are not apparently identical in scope, infringement of the application claims would inherently mean infringement of the patent claims, and vice-versa. See, In re Davis, USPQ2 (BPAI 2000).

In addition, as stated in MPEP § 804:

“[t]he decision in In re Schneller did not establish a rule of general application and thus is limited to the particular set of facts set forth in that decision. The court in Schneller cautioned ‘against the tendency to freeze into rules of general application what, at best, are statements application to particular fact situations.’ Scheller, 397 F.2d at 355, 158 USPQ at 215. Non-statutory double patenting rejections based on Schneller **will be rare**. The Technology Center (TC) must approve any nonstatutory double patenting rejection based on Schneller....”

(emphasis in original)

In view of the foregoing, it is submitted that a non-statutory double patenting rejection based on Schneller is not seen to be applicable, since the facts set forth in Schneller are different from those of the present application. Application of Schneller would therefore reach beyond that intended by the court in Schneller and MPEP § 804. Accordingly, withdrawal of the provisional double patenting rejection is respectfully requested.

In addition, in view of the foregoing, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office by telephone at (714) 540-8700. All correspondence should be directed to our address given below.

Respectfully submitted,



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